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**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, JULY 28, 2003 AT 2:00 P.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS - 12TH FLOOR  
202 "C" STREET  
SAN DIEGO, CA 92101**

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ITEM-1:                      ROLL CALL.

ITEM-10:                    INVOCATION.

ITEM-20:                   PLEDGE OF ALLEGIANCE.

**SPECIAL ORDERS OF BUSINESS**

ITEM-30:    Four actions related to Honoring Four Former Dailard Elementary School Teachers.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2004-127)

Recognizing Carol Cross for her outstanding role as teacher and friend to many students in our community;

Proclaiming July 28, 2003 to be "Carol Cross Day" in the City of San Diego.

Subitem-B: (R-2004-115)

Recognizing Carole Young for her outstanding role as teacher and friend to many students in our community;

Proclaiming July 28, 2003 to be "Carole Young Day" in the City of San Diego.

Subitem-C: (R-2004-133)

Recognizing C. J. Middendorf for her outstanding role as teacher and friend to many students in our community;

Proclaiming July 28, 2003 to be “C. J. Middendorf Day” in the City of San Diego.

Subitem-D: (R-2004-114)

Recognizing Julia Croom for her outstanding role as teacher and friend to many students in our community;

Proclaiming July 28, 2003 to be “Julia Croom Day” in the City of San Diego.

#### SPECIAL ORDERS OF BUSINESS

ITEM-31: Digital Art Week.

#### COUNCILMEMBER ZUCCHET’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-67)

Recognizing SIGGRAPH 2003 and the digital artists and institutions of San Diego for their efforts to make art interesting, accessible and fun, and heartily congratulating SIGGRAPH 2003 and the local digital art community;

Proclaiming July 25-31, 2003 to be “Digital Art Week” in the City of San Diego.

#### SPECIAL ORDERS OF BUSINESS

ITEM-32: Gloria Johnson Day.

#### COUNCILMEMBER ATKINS’ RECOMMENDATION:

Adopt the following resolution:

(R-2004-132)

Recognizing Gloria Johnson for her decades of activism in the women's civil rights, peace, labor, and LGBT movements, and commending her for her volunteer efforts to the Democratic Party, her church, and her community;

Proclaiming July 28, 2003 to be "Gloria Johnson Day" in the City of San Diego.

#### SPECIAL ORDERS OF BUSINESS

ITEM-33: July is National Park and Recreation Month.

#### **COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-140)

Commending the Park and Recreation Department for enriching lives through quality parks and programs every day of the year;

Proclaiming July 2003 to be "Park and Recreation Month" in the City of San Diego.

#### SPECIAL ORDERS OF BUSINESS

ITEM-34: Approval of Council Minutes.

#### **TODAY'S ACTION IS:**

Approval of Council Minutes for the meetings of:

July 14, 2003

July 15, 2003

#### **REQUESTS FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

### **CONSENT ITEMS**

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (\*).

#### **ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

Items 50 and 51.

#### **ORDINANCES TO BE INTRODUCED:**

Item 52.

#### **ORDINANCES TO BE INTRODUCED, WITH RESOLUTIONS TO BE ADOPTED:**

Item 60.

#### **RESOLUTIONS TO BE ADOPTED:**

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109 and 110.

### **ADOPTION AGENDA, CONSENT ITEMS**

#### **ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

\* ITEM-50: First Amendment to the Barrio Logan Redevelopment Plan for the Barrio Logan Redevelopment Project.

(Barrio Logan/Harbor 101 Community Area. District-8.)

### **CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/15/2003. (Council voted 8-0. Councilmember Peters not present):

(O-2004-4)

Approving and adopting the First Amendment to the Redevelopment Plan for the Barrio Logan Redevelopment Project.

**ADOPTION AGENDA, CONSENT ITEMS**

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

\* ITEM-51: Amendment to Human Dignity Ordinance.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/14/2003. (Council voted 9-0):

(O-2003-159 Cor. Copy)

Amending Chapter 5, Article 2, Division 96 of the San Diego Municipal Code by amending Sections 52.9601, 52.9602, 52.9603, 52.9604, 52.9605, 52.9606, and 52.9607, all relating to Discrimination Based on Sexual Orientation.

**ADOPTION AGENDA, CONSENT ITEMS**

**ORDINANCES TO BE INTRODUCED:**

\* ITEM-52: Extension of Santa Fe Pacific Pipelines, LP, Franchise.

(Districts-1, 3, 5, 6, 7, and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2003-156 Cor. Copy)

Introduction of an Ordinance granting a non-exclusive pipeline franchise to SFPP, L.P. for a period of two years, to install, construct, maintain and operate a pipeline for the transportation of refined petroleum products and other hydrocarbon substances in certain city streets of and within the City of San Diego.

**NOTE:** 6 votes required pursuant to Section 103 of the City Charter.

**CITY MANAGER SUPPORTING INFORMATION:**

In 1963 the City Council adopted an ordinance granting a 40-year franchise to San Diego Pipeline

Company for petroleum pipelines within the public streets of the City of San Diego. In 1992 the City Council adopted an ordinance approving the assignment of the franchise to Santa Fe Pacific Pipelines, LP (SFPP). SFPP is a common carrier for various oil companies, and its pipelines carry refined gasoline and jet fuel from the refinery in Wilmington, California, to various distribution points in Southern California. A 10-inch pipeline and a parallel 16-inch pipeline enter the San Diego City limits at Via de la Valle and continue southerly to a tank farm in Mission Valley. From there, the 10-inch pipeline continues southerly to a tank farm at the San Diego Harbor.

The franchise, as well as two leases with SFPP for portions of the pipelines that cross City-owned land in Sorrento Valley and Montgomery Field, expired in January 2003. The leases have been placed on holdover as permitted under their terms, but the franchises requires City Council approval to extend its term. A 2-year extension of the franchise term is requested to give City staff and SFPP additional time to prepare updated mapping of the pipeline locations on City properties and to negotiate other issues before processing a new long-term franchise for Council consideration.

Franchise fees, which are set by the Public Utilities Commission, average about \$20,000 annually and are deposited into the General (100) Fund.

**FISCAL IMPACT:**

None with this action.

Herring/Griffith/PTC

**ADOPTION AGENDA, CONSENT ITEMS**

**ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:**

- \* ITEM-60: Two actions related to Regional Public Safety Training Institute Lease and Consultant Agreement.

(See City Manager Report CMR-03-153. Peninsula Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2004-11)

Introduction of an Ordinance authorizing the City Manager to execute an Option to Lease between the City and the San Diego Regional Public Safety Training



Institute (RPSTI), for an option to lease the Property for twenty-four months on a month-to-month basis, with an option for an additional twenty-four months, in consideration for the valuable public benefit to be provided to the City by the development of a regional public safety training facility at Camp Nimitz;

Authorizing the City Manager, upon fulfillment of the conditions set forth in the Option to Lease for exercise of the option, to execute the Lease of the Property (Parcel 4.1 of NTC Reuse Plan) for a term of sixty-six years, in consideration for capital improvements to be made on the Property by RPSTI and the public benefit of a regional public safety training institute.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

Subitem-B: (R-2004-108)

Authorizing the City Auditor and Comptroller to transfer \$80,000 from CIP-33-112.0, Fire Rescue Department: Police and Fire Training Facility - Regional Public Safety Training Institute, into CIP-36-064.0, Police Department: Police and Fire Training Facility - Regional Public Safety Training Institute;

Declaring that the development of RPSTI training facilities will be tracked through CIP-36-064.0;

Authorizing the City Manager to deposit \$160,000 from the County of San Diego and \$160,000 from the San Diego Community College District into Fund 63022, Private and Other Contributions - CIP;

Authorizing the City Auditor and Comptroller to appropriate \$320,000 from Fund 63022 into CIP-36-064.0, Police Department: Police and Fire Training Facility - Regional Public Training Institute;

Authorizing the City Manager to enter into an agreement with Rick Engineering Company to provide professional consulting services for RPSTI JPA;

Authorizing the expenditure of funds not to exceed \$480,000 from CIP-36-064.0, Police Department: Police and Fire Training Facility - Regional Public Safety Training Institute, to fund the agreement with Rick Engineering.

Aud. Cert. 2400063.

ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:

\* ITEM-100: Award of Contract to Purchase Ferric Chloride for Water Treatment.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-105)

Accepting the bid of California Water Technologies, LLC; and authorizing the City Manager to execute a contract to purchase ferric chloride as may be required for a period of one year beginning August 1, 2003 through July 31, 2004 for a total estimated cost of \$1,088,412.92 (including tax), terms NET thirty days with options to renew the contract for four additional one year periods with no price escalations in effect at the end of each prior contract year;

Authorizing the City Manager, in the event the Contractor fails to perform in accordance with the contract specifications, to award the contract to the next low bidder meeting specifications;

Authorizing the expenditure of an amount not to exceed \$997,711.84 (\$362,512.66 from Fund No. 41500, Department No. 760, Organization No. 566, Account No. 3221, Job Order No. 56601; \$307,975.36 from Fund No. 41500, Department No. 760, Organization No. 568, Account No. 3221, Job Order No. 56805; and \$327,223.82 from Fund No. 41500, Department No. 760, Organization No. 570, Account No. 3221, Job Order No. 57005), for the purpose of providing funds for said contract;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.  
(BID 5990-03-B)

**CITY MANAGER SUPPORTING INFORMATION:**

City Council approval is required to award a contract to California Water Technologies, LLC for the purchase of Ferric Chloride, Bid No. 5990-03-B for a period of one (1) year beginning August 1, 2003 through July 31, 2004 for a total estimated cost of \$1,088,412.92 (including tax); terms net 30 days; with options to renew the contract for four (4) additional one (1) year periods; with no price escalations in effect at the end of each prior contract year.

The Miramar, Alvarado, and Otay Water Filtration Plants use Ferric Chloride as a primary coagulant to aid in the treatment and purification of drinking water for the past thirty (30) years. It works effectively as a coagulant and flocculent of particles for various types of raw water.

Twenty eight (28) potential bidders were contacted and two (2) bids were received. Award is recommended to the low bidder meeting specifications, California Water Technologies of Santa

Fe Springs, CA.

In the event the vendor fails to perform in accordance with contract specifications, the City Council is requested to authorize the City Manager to award the contract to the next low bidder meeting specifications.

**FISCAL IMPACT:**

FY 2004 Estimated Purchase Cost:	\$ 997,711.84
Total Estimated Annual Purchase Cost:	\$1,088,412.92

Loveland/Anderson/TDB

Aud. Cert. 2400048.

**ADOPTION AGENDA, CONSENT ITEMS**  
**RESOLUTIONS:**

- \* ITEM-101: General Requirements Contract for the Construction of Minor Street Improvements at Various Locations.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1411)

Authorizing the City Manager to accept the bid from Scheidel Contracting and Engineering, Inc. (Contractor), and to award the Project contract for the construction of Minor Street improvements at various locations to the contractor for no less than \$50,000 and no more than \$1,000,000 annually, for the period between May 1, 2003 and May 1, 2004, renewable for one additional year thereafter;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$50,000 from TransNet Funds, through CIP-61-001.0, Mission Village Drive Left Turn, provided that the City Auditor and Comptroller first furnishes a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon direction of the City Manager, to reallocate the funding sources for TransNet Funds between TransNet

Cash and Commercial Paper funded projects as may be appropriate to maximize the use of TransNet Cash and reduce the use of Commercial Paper funding for CIP-61-001.0, Mission Village Drive Left Turn. (BID-K03850)

**CITY MANAGER SUPPORTING INFORMATION:**

Minor street improvement projects can take two to three years from inception to completion when following the design-bid-build method for public works contracts. Many of the smaller maintenance, and repair and improvement projects in the right-of-way, such as safety all-weather walkways, are disadvantaged by the process that is suited for complex construction projects. The General Requirements Construction Contract will reduce the time between when a smaller project is identified and when it is completed. The contractor bids unit prices on various items of work which are non-project specific. These prices remain in effect for the one year term of the contract. After a project is identified, a site visit is scheduled where scope, specifics, and price are discussed by the City and contractor. Once there is agreement, the City processes a Task Authorization, and issues a Notice to Proceed to the contractor. We estimate a typical safety all-weather walkway can be constructed within four months from the initial site visit.

The City opened bids on February 26, 2003. The bid proposal consisted of 24 separate items of work, with 3 bids for each item depending on whether labor rates were Federal prevailing wage, State of California prevailing wage, or non prevailing wage. The project was advertised for four weeks. 13 bid packages went out and 3 complete and acceptable bid packages were received at bid opening. Scheidel Contracting and Engineering, Inc. was low bidder followed by Portillo Concrete, Inc. and Heffler Company, Inc.

**FISCAL IMPACT:**

Total authorized expenditure per contract year, contingent on Council approving appropriations, not to exceed \$1,000,000.

Loveland/Belock/PB

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-102: Payment Authorization of Employee Retirement Contribution Offsets.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1512)

Declaring that the payment of retirement contribution offsets for System Police Safety Members be increased from 9.0% to 10.0% effective July 5, 2003, to be paid from the System's Employee Contribution Reserve until the Reserve is exhausted.

**CITY MANAGER SUPPORTING INFORMATION:**

The Management Team of the City of San Diego has met and conferred with the Police Officers Association (POA) regarding retirement offset as part of the contract negotiations for a successor Memorandum of Understanding (MOU). A Municipal Code amendment will be forthcoming to codify these changes. The Resolution implements Council direction resulting from the negotiations as follows:

Retirement Offset: Authorize the payment of increased retirement contribution offset for SDCERS Police Safety Members from 9.0% to 10.0%, effective July 5, 2003, from the SDCERS Employee Contribution Reserve, until the Reserve is exhausted;

This increased offset was approved by the Council with the adoption of the successor Memorandum of Understanding between the City of San Diego and the San Diego Police Officers Association, on May 20, 2003.

Lexin/Ruiz

Aud. Cert. 2400059.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-103: Authorizing Transfer of Funds to the Otay Mesa/Nestor Library Expansion.

(Otay Mesa/Nestor Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-97)

Authorizing the City Auditor and Comptroller to transfer funds in an amount not to exceed \$100,000 from General Fund Department No. 310, to Fund No. 630221, CIP contributions from Fund No. 100;

Authorizing the City Auditor and Comptroller to appropriate and expend the \$100,000 into CIP-35-087.0, Otay Mesa/Nestor Library Expansion, from Fund No. 630221, and authorizing the expenditure of said funds for the purpose of replacing the roof on the existing building;

Authorizing the increase of \$100,000 to the FY 2003 CIP Budget for CIP-35-087.0, Otay Mesa/Nestor Library Expansion;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

The existing Otay Mesa/Nestor Branch Library is a 10,000 square foot facility with a planned expansion of an additional 5,000 square feet. The roof on the existing building is in need of replacement and the Library had identified \$100,000 in its budget to perform the work. Since it is more efficient and less disruptive to public service to replace the roof as part of the expansion project, the Library would transfer the funds to the CIP and the work would be performed as part of the Construction contract.

**FISCAL IMPACT:**

The total project cost is \$3,163,500. The \$100,000 was identified in the FY 2003 Library Department operating budget for Deferred Maintenance.

Herring/Tatar/MAT

Aud. Cert. 2301240.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

- \* ITEM-104: Two actions related to Inviting Bids and Award of Contract for Sewer and Water Group 670.

(See memorandum from Frank Belock, Jr. dated 4/2/2003. Peninsula Community Area. District-2.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2004-17)

Approving the plans and specifications for the construction of Sewer and Water Group 670 on Work Order No.173931/183741;

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases and to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$3,857,022, contingent upon the passage of the FY 2004 Capital Improvements Program and Appropriation Ordinance budgets, and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$2,197,278 from FY 2004 Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and an amount not to exceed \$1,659,744 from FY 2004 Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Approving the use of City Forces on the Project for the purpose of additional construction related to the project for a cost not to exceed \$125,000;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.  
(BID-K041265C)

Subitem-B: (R-2004-18)

Certifying that Mitigated Negative Declaration LDR-42-0525 (PTS-3859) has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of the construction of Sewer and Water Group 670;

Approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 4/9/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)

**SUPPORTING INFORMATION:**

Sewer and Water Group 670 is part of the City of San Diego's continuing Annual Sewer Main Replacement Program. The sewer mains being replaced in this project were constructed as early as 1956 and are approaching the end of their useful service life.

This project is located in the Peninsula Community and consists of replacement and installation of new sewer mains, sewer manholes, sewer laterals, water mains, water services, street resurfacing/slurry seal, pedestrian ramps, implementation of a traffic control plan, Best Management Practices (BMP's), and related improvements. The project area is bounded by the alley north of Brindisi Street to the north, Ladera Street to the south, Cornish Drive to the east and Cordova Street to the west. This project will replace approximately 6,200 linear feet of existing sewer pipes and 6,296 linear feet of existing water pipes. This project also includes the construction of forty-seven (47) curb ramps. The final phase of this project will be to resurface the alleys and slurry seal the asphalt streets.

This project was presented to the Peninsula Community by the Engineering and Capital Projects Department and future presentations will be given to the Peninsula Community prior to construction. Residents will be notified by mail at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution of notices.

The contractor will be required to provide traffic control plans for the entire project area to the City of San Diego's Traffic Signal Design and Traffic Control Section for approval.

**FISCAL IMPACT:**

The total estimated cost of this project is \$3,857,022. Funding of \$2,197,278 is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement and \$1,659,744 in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for this purpose. This project is to be phase-funded within FY 2004.

Loveland/Belock/HR

WWF-03-648.



## ADOPTION AGENDA, CONSENT ITEMS

### RESOLUTIONS:

- \* ITEM-105: Request for Additional Funding - Black Mountain Road - Gap Reclaimed Water Pipeline Project.

(See memorandum from Larry Gardner dated 7/8/2003. Rancho Peñasquitos Community Area. District-1.)

### TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-112)

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$187,848 from Water Fund No. 41500, CIP-73-343.0, Lower Otay Reservoir Emergency Outlet Tower, to Water Fund No. 41500, CIP-70-954.0, North City Reclamation System (Black Mountain Road - Gap Reclaimed Water Pipeline Project);

Authorizing the expenditure of an amount not to exceed \$187,848 from Water Fund No. 41500, CIP-70-954.0, North City Reclamation System (Black Mountain Road - Gap Reclaimed Water Pipeline Project), for the additional costs in Fiscal Year 2004, for the purpose of providing funds for the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure will be on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to execute Funding Phase 2 of the construction contract with Excel Commercial Constructors regarding said Project, and the related constructions costs, contingent upon the passage of the Fiscal Year 2004 CIP Budget;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

### NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/16/2003, NR&C voted 3 to 0 to approve. (Councilmembers Zucchet, Frye, and Madaffer voted yea. Councilmembers Lewis and Inzunza not present.)

### SUPPORTING INFORMATION:

In December 2000, the Water Department completed a Beneficial Reuse Study to review the

City's existing reclaimed water system. The study was performed to develop future reclaimed water pipelines in an effort to meet the Environmental Protection Agency's grant goals of reusing 25 percent of the flows (6 MGD) treated at the North City Water Reclamation Plant (NCWRP) by December 31, 2003 and 50 percent of the flows (12 MGD) by December 31, 2010.

In an effort to meet these goals, the Black Mountain Road-Gap Reclaimed Water Pipeline will supply the Black Mountain Ranch Developments and future customers in the City's northern service areas. The Gap Pipeline consists of approximately 11,000 feet of 24-inch diameter steel and mortar coated pipe.

On November 12, 2002, Council approved the Advertising and Award for the Black Mountain Road-Gap Reclaimed Water Pipeline (R-297261, R-297262). Bids were opened on January 17, 2003 and a contract was awarded to Excel Commercial Constructors. The original engineering Cost Estimate for construction was \$3,700,000 but due to an increase in the bidding climate and insurance costs the low bidder came in approximately \$92,000 higher. In addition, the City's in house cost exceeded the planned budget due to extensive coordination with the Bureau of Reclamation and the State Water Resource Control Board for securing grant funding on this project, and a total amount of \$2.0 million in grant funding will be received.

This project was included in the Environmental Impact Report (LDR No. 41-0629) dated October 7, 2002, which was certified by City Council on November 12, 2002. However, this activity is exempt from CEQA pursuant to the State CEQA Guidelines Section 15061(b)(3). This project was presented to, and approved by the NR&C Committee at the meeting of July 16, 2003. Several community outreach meetings were conducted for this project particularly with the Rancho Peñasquitos Community Planning Group.

This request authorizes additional funding in the amount of \$187,848. This funding is available for transfer from the Lower Otay Reservoir Project which has been re-prioritized and rescheduled for later construction.

#### **FISCAL IMPACT:**

The total cost of this project is \$5,553,066, of which \$5,365,218 has been previously authorized. Funding of \$187,848 will be transferred from CIP-73-343.0, Lower Otay Reservoir Emergency Outlet Tower to CIP-70-954.0, North City Reclamation System (Black Mountain Road-Gap Water Reclaimed Pipeline Project) in Fiscal Year 2004.

Mendes/Gardner/VB

Aud. Cert. 2400052.

#### **ADOPTION AGENDA, CONSENT ITEMS**

## RESOLUTIONS:

- \* ITEM-106: Clean Water Act 205(j) Water Quality Planning Grant Funding - San Dieguito River Watershed.

(See memorandum from Larry Gardner dated 7/8/2003. Torrey Pines, Via de la Valle, Fairbanks CC, Black Mountain Ranch, San Pasqual, North City Future Urbanizing Areas. Districts-1 and 5.)

## **TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-104)

Authorizing the City Manager to execute an agreement to receive grant funds from the State Water Resources Control Board/Division of Water Quality's Clean Water Act 205(j) in the amount of \$116,400;

Authorizing the City Manager to take all necessary actions to secure funding, including, but not limited to: negotiate and sign agreements, amendments and payment requests, from the State Water Resources Control Board/Division of Water Quality's Clean Water Act 205(j);

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend grant funds in the amount of \$116,400 pursuant to the terms of said agreement;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the grant.

## **NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 7/16/2003, NR&C voted 3 to 0 to approve. (Councilmembers Zucchet, Frye, and Madaffer voted yea. Councilmembers Lewis and Inzunza not present.)

## **SUPPORTING INFORMATION:**

The State Water Resources Control Board and the U. S. Environmental Protection Agency are working together to fund water quality planning proposals for projects that reduce, eliminate, or prevent water pollution, and enhance water quality. The agencies are encouraging watershed management as a means to "ensure high quality water, to maximize the use of limited resources, and to develop partnerships among all stakeholders of watersheds to address water quality issues." In March 2002, the State Water Resource Control Board solicited applications for Section 205(j) planning grants from local public agencies, targeting activities such as watershed restoration strategies, watershed management plans, and similar efforts, as priorities for receipt of

205(j) funds.

The Water Department submitted an application for the maximum amount of funding available, \$125,000, and was approved to receive \$116,400. The funds will be used to develop a comprehensive and sustainable Watershed Management Plan for the San Dieguito River watershed. Through collaboration with key stakeholders, the Plan has the following goals: protect and restore water quality, beneficial uses of water, natural terrestrial, riparian, wetland, freshwater, estuarine and marine habitats, and wildlife; preserve and restore natural physical features and characteristics of waters, landforms, and coastline; preserve and enhance water supply. In-kind services by other participating governmental agencies, local environmental and citizen groups will be used in development of the Plan. A consultant will be assisting in assessment and framework development of the Plan. Completion of the project is expected in two years.

This project will establish a framework for the continued efforts in the protection, restoration, enhancement, and preservation of the water quality and beneficial uses of this watershed. Additionally, the project will provide a coordinated focus and will bring together stakeholders to solidify a commitment to continue to identify, seek, and obtain additional funding and resources to sustain this project and future related projects.

**FISCAL IMPACT:**

The total project cost is estimated to be \$350,000 and include \$200,000 for consultant services and \$150,000 for in-kind services by participating agencies. The grant funds of \$116,400 will be deposited into the Water Operating Fund 41500.

Mendes/Gardner/RC

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

- \* ITEM-107: Annual Special Tax Levy- Community Facilities District No. 1 (Miramar Ranch North), Community Facilities District No. 2 (Santaluz), Community Facilities District No. 3 (Liberty Station), and Community Facilities District No. 4 (Black Mountain Ranch Villages).

(Black Mountain Ranch, Peninsula and Miramar Ranch North Community Plan Areas. Districts-1, 2, and 5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions in Subitems A, B, C, and D:

Subitem-A: (R-2004-72)

Adoption of a Resolution acting as the legislative body of Community Facilities District No. 1 (Miramar Ranch North) authorizing the levy of special taxes for Fiscal Year 2003/2004.

Subitem-B: (R-2004-73)

Adoption of a Resolution acting as the legislative body of Community Facilities District No. 2 (Santaluz) authorizing the levy of special taxes within Improvement Area No. 1, Improvement Area No. 3, and Improvement Area No. 4, for Fiscal Year 2003/2004.

Subitem-C: (R-2004-74)

Adoption of a Resolution acting as the legislative body of Community Facilities District No. 3 (Liberty Station) authorizing the levy of special taxes within Improvement Area No. 1 and Improvement Area No. 2, for Fiscal Year 2003/2004.

Subitem-D: (R-2004-75)

Adoption of a Resolution acting as the legislative body of Community Facilities District No. 4 (Black Mountain Ranch Villages) authorizing the levy of special taxes for Fiscal Year 2003/2004.

#### **CITY MANAGER SUPPORTING INFORMATION:**

The City Council has previously adopted resolutions and ordinances that established Community Facilities District No. 1 (Miramar Ranch North), Community Facilities District No. 2 (Santaluz), Community Facilities District No. 3 (Liberty Station), and Community Facilities District No. 4 (Black Mountain Ranch Villages). These actions authorized the issuance of limited obligation special tax bonds to finance the construction and acquisition of public infrastructure in or serving the districts, and authorized the levy of a special tax to pay annual debt service on each district's outstanding bonds, or to pay directly for the acquisition of public facilities.

The City Council action would confirm the annual rates, apportionment, and total amount of special taxes to be levied and collected on taxable property within the boundaries of Community Facilities District No. 1, Community Facilities District No. 2, Community Facilities District No. 3, and Community Facilities District No. 4 for Fiscal Year 2004. Each year, the special tax levy is presented to the City Council for approval, in accordance with the Mello-Roos Community Facilities Act of 1982.

Special taxes to be levied against taxable parcels of land within each district for the upcoming fiscal year are reflected in the reports submitted herewith. These special taxes will be billed and

collected by the County of San Diego in the same manner as ordinance ad valorem property taxes. Monies received in the form of special taxes will be used to pay debt service on the outstanding bonds and/or pay directly for public facilities, maintain the appropriate balance in the reserve fund for each district, and pay costs incurred by the City in administering the districts.

**FISCAL IMPACT:**

No fiscal impact to the City will occur as a result of this City Council action. The annual special tax levy includes an administrative charge to reimburse the City for costs and expenses incurred on behalf of the districts.

Frazier/Vattimo/CW

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

\* ITEM-108: The La Jolla Spectrum First Amendment to Facilities Maintenance Agreement.

(University Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-102)

Authorizing the City Manager to execute a First Amendment to Facilities Maintenance Agreement with CarrAmerica Realty Corporation, a Maryland corporation, for drainage and detention facilities for the La Jolla Spectrum, Map No. 12990.

**CITY MANAGER SUPPORTING INFORMATION:**

On November 16, 1992 by Resolution R-281066, La Jolla Spectrum Partners, L.P. entered into a facilities Maintenance agreement to design, construct and install certain private drainage and detention facilities, as well as provide maintenance, within Lots 11 and 12 of The La Jolla Spectrum, Map No. 12990. The location of these drainage and detention facilities were shown on an exhibit to the agreement. Subsequent to said agreement, the property has been sold to CarrAmerica Realty Corporation, a Maryland corporation ("CarrAmerica"), and the development has been designed in such a manner as to make it necessary to revise the location of the drainage and detention facilities;

In order to accommodate the proposed development of the property, CarrAmerica desires to relocate facilities. The relocated facilities will serve the same function and provide substantially the same benefits as the existing facilities.

Staff recommends approval.

**FISCAL IMPACT:**

None.

Ewell/Broughton/GRB

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-109: Appointments and Reappointments to the Science and Technology Commission.

(See memorandum from Mayor Murphy dated 7/16/2003, with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-141)

Council confirmation of the following appointments and reappointments by the Mayor to serve as members of the Science and Technology Commission for terms indicated:

**Appointments**

<b><u>Name</u></b>	<b><u>Term Expires</u></b>
Charles P. Holland (replacing Steven P. Briggs, who resigned)	May 31, 2006
Dr. Gail K. Naughton (replacing Alberto Mier y Teran, whose term has expired)	May 31, 2005
Kasey V. Phimmasone (replacing David F. Hale, who resigned)	May 31, 2006

C. Craig Roberts  
(replacing Craig A. Irving, who resigned)

May 31, 2006

**Reappointments**

Jon Cohen

May 31, 2005

Dr. Martha G. Dennis

May 31, 2005

Scott Corlett

May 31, 2005

Dr. Thomas A. Dillon

May 31, 2005

Susan Myrland

May 31, 2005

Hui Cai

May 31, 2005

Scott R. Randall

May 31, 2005

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-110: Dr. Al Best Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1503)

Recognizing the hard work, dedication, and unparalleled community service of Dr. Al Best, and commending him for 28 years of service and commitment to the gay, lesbian, bisexual and transgender, and HIV/AIDS communities in San Diego;

Proclaiming June 22, 2003 to be "Dr. Al Best Day" in the City of San Diego.



PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the March 2, 2004 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/26/2003	158	LAST DATE (10:00 a.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	10/1/2003	153	Rules Committee review
Monday	10/27/2003	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	11/3/2003	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	through 11/17/2003	to 106	
Monday	11/24/2003	99	Council adopts ordinances prepared by City Attorney
Friday	12/5/2003	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	12/18/2003	75	Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, 533-4025.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT